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KRABBENSCHMIDT
8

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION

12	IN RE:	[S.D.N.Y Bankr. Case No. 09-11010 (REG)]
13	SOLSTICE, LLC, et al.,	Chapter 11 (Jointly Administered)
14	Debtors,	Adversary Proceeding No. 09-01186
15		
16	SOLSTICE, LLC,	
17	Plaintiff,	STIPULATED ORDER SETTING
18	vs.	HEARING ON MOTION TO TRANSFER
19	NOVOGRADAC & COMPANY LLP; JON	VENUE PURSUANT TO 28 U.S.C. §1412
20	KRABBENSCHMIDT,	WITHOUT FURTHER BRIEFING
21	Defendants.	
22		

23 As detailed below, and subject to the Court's approval, Plaintiff Solstice, LLC and
24 Defendants Novogradac & Company LLP and Jon Krabbenschmidt (collectively "Novogradac")
25 hereby stipulate and agree that Novogradac's Motion to Transfer Venue to the Southern District
26 of New York, pursuant to 28 U.S.C. §1412, shall be heard on January 25, 2010—the same day
27 as the motion seeking the same relief in Related Adversary Proceeding No. 09-1179—without
28 further briefing on such motion.

1 WHEREAS:

2 1. In Related Adversary Proceeding No. 09-01179, defendants Winston & Strawn
3 LLP and Jonathan Cohen (collectively “Winston & Strawn”) filed a motion to transfer venue to
4 the Southern District of New York, pursuant to 28 U.S.C. §1412. This motion is presently set
5 for hearing on January 25, 2010, at 10:00 a.m., at 99 South “E” Street, Santa Rosa, CA, before
6 the Hon. Alan Jaroslovsky.

7 2. On January 5, 2010, Novogradac attempted to file a joinder in this motion and
8 similar motion in the instant Adversary Proceeding (No. 09-01186), to be set on the same
9 hearing date. A true copy of this joinder and motion is attached hereto as Exhibit A. A copy of
10 said Exhibit was served on all parties on December 28, 2009, per the attached proof of service.

11 3. Thereafter, counsel for Novogradac was informed by the Court’s clerk that no
12 motion to transfer venue could be filed in the instant Adversary Proceeding (No. 09-01186) on
13 the hearing date requested without an order allowing the same to be heard on shortened notice.
14 As such, the attached Exhibit A was never filed in the instant Adversary Proceeding (No. 09-
15 01186).

16 4. On January 11, 2010, plaintiff timely filed a combined opposition to the motions
17 by Novogradac and Winston & Strawn to transfer venue to the Southern District of New York.
18 Such opposition was filed in both the instant Adversary Proceeding (No. 09-01186), and Related
19 Adversary Proceeding No. 09-01179.

20 5. The parties agree that given the similarity in the basis for the motions to transfer
21 venue in both adversary proceedings, and the common grounds for plaintiff’s opposition to both
22 motions, that both should be heard on January 25, 2010.

23 WHEREFORE, THE PARTIES STIPULATE AS FOLLOWS:

24 1. Novogradac’s Motion To Transfer Venue shall be heard on January 25, 2010, at
25 10:00 a.m., at 99 South “E” Street, Santa Rosa, CA, before the Hon. Alan Jaroslovsky.

26 2. Novogradac shall file no further papers in support of this motion, except for the
27 attached Exhibit A, which to date has not been filed in the instant Adversary Proceeding (No.
28 09-01186).

1 3. Plaintiff shall file no further papers in opposition to Novogradac's motion, as
2 such opposition has already been filed on January 11, 2010.

3 4. Novogradac waives the right to file any reply brief, but reserves the right to join
4 in any reply brief filed by Winston & Strawn in Related Adversary Proceeding No. 09-1179,
5 and/or any of the arguments raised therein.

6 **IT IS SO STIPULATED**

7 Dated: January 14, 2010

LONG & LEVIT LLP

1 By _____ /s/
2 HOWARD M. GARFIELD
3 DAVID P. BOROVSKY
4 Attorneys for Defendants
5 NOVOGRADAC & COMPANY, LLP
6 and JON KRABBENSCHMIDT

7 Dated: January 15, 2010

8 CARICONE, CATTERMOLE,
9 DOLINSKI, OKIMOTO, STUCKY,
10 UKSHINI, MARKOWITZ &
11 CARCIONE LLP

12 By _____ /s/
13 JOSEPH W. CARCIONE, JR
14 JOSHUA S. MARKOWITZ
15 Attorneys for Plaintiff
16 SOLSTICE, LLC

ORDER

The parties having stipulated:

IT IS SO ORDERED, except as follows:

1. The hearing is at 2:00 P.M., not 10:00 A.M.
2. Counsel shall file Exhibit A themselves. The court declines to have an argument of a party attached to its order.

Dated: January 18, 2010

~~Alan Jaroslovsky
U.S. Bankruptcy Judge~~